IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FARAD CONTINUATION SHEET.

CIVIL APPLICATION NO.1144 OF 2004

IN

APPEAL FROM ORDER NO.568 OF 2001

.....

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

.....

CORAM: A.S.OKA,J.
DATE : FEBRUARY 21, 2005.

P.C.:

1. On 3rd May 2001 this Court granted interim relief in favour of the Appellant subject to furnishing security of Rs.1 lakh. The said security is not furnished till today.

2. Civil application No.1006 of 2004 was filed by the Respondent in the Appeal from Order praying that the Appeal should be dismissed for non compliance with the order dated 3rd May 2001. There is one more Civil Application No.1005 of 2004 filed by the Appellant for extension of

time to furnish security of Rs. 1 lakh.

3. On 3rd May 2001 this Court has given direction to the Appellant to furnish security of Rs. 1 lakh within four weeks from that date. Admittedly, the said security is not furnished. Hence, there is no interim relief in favour of the Appellant and thus the order of Trial Court dated 31st January 2001 directing the Appellant to furnish security to the extent of Rs.3 lakhs is become operative.

4. No case is made out by the Appellant for extension of time for furnishing security. Security was to be furnished in the year 2001 and the Civil Application bearing No.1006 of 2004 is filed for extension of time in January 2003. Hence, Civil Application No.1006 of 2004 is rejected. As a result of the rejection of the said Civil Application, Civil Application No.1144 of 2004 does not survive and same is rejected.

JUDGE.